

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Odidi, et al.

Group Art Unit: 1611

Serial No.: 10/561,700

Examiner: Purdy, Kyle

Filed: November 10, 2006

Docket No. 221904-1050

For: Proton-Pump-Inhibitor-Containing Capsules Which Comprise Subunits Differently Structured Or A Delayed Release Of The Active Ingredient

PETITION UNDER 37 C.F.R. § 1.78(A)(3)
TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. § 120

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.78(a)(3), Applicants respectfully petition for permission to amended the specification to explicitly claim the benefit under 35 U.S.C. § 120 of PCT application entitled "Proton Pump-Inhibitor-Containing Capsules Which Comprise Subunits Differently Structured for a Delayed Release of the Active Ingredient" having Ser. No. PCT/CA2004/00825, filed June 3, 2004, and U.S. provisional application Nos. 60/482,439, filed June 26, 2003 and 60/548,903, filed March 2, 2004.

Applicants have concurrently filed an Amendment to amend the specification to provide the necessary relationship.

Applicants state that the entire delay between the date the claim for the benefit of the earlier applications was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date this claim was filed was unintentional.

Applicants agree to pay \$1,410.00 that is required under 37CFR 1.17(t). Applicants authorize charging any deficiencies in fees or crediting any overpayment in fees to Deposit Account No. 20-0778.

Respectfully submitted,



Christopher B. Linder
Reg. No. 47,751

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1500
600 Galleria Parkway S.E.
Atlanta, Georgia 30339
(770) 933-9500